

REMARKS

The Examiner is thanked for the due consideration given the application. The specification has been amended to improve the format.

Claims 1-42 are pending in the application. The amendments to claim 1 find support in, e.g., Figure 2 of the application. Claims 10, 14, 16 and 24 have been amended to improve their antecedent basis.

No new matter is believed to be added to the application by this amendment.

The Specification

The specification has been amended to have headings in conformance with U.S. practice.

Claim Objections

Claims 10, 14, 16 and 24 have been objected to as containing informalities. The comments in the Official Action have been considered, and claims 10, 14, 16 and 24 have been amended to be free from informalities.

Rejections Based on YODA et al.

Claims 1-3, 7-9, 22-32 and 36-42 have been rejected under 35 USC §102(b) as being anticipated by YODA et al. (U.S. Publication 2001/0055111). Claims 4-6, 21 and 33-35 have been rejected under 35 USC §103(a) as being unpatentable over YODA et al. in view of DEVIE et al. (U.S. Publication 2003/0112426).

Claims 10-20 have been rejected under 35 USC §103(a) as being unpatentable over YODA et al. in view of DEVIE et al., and further in view of YANAGI et al. (U.S. Patent 5,867,259). These rejections are respectfully traversed.

The present invention pertains to a device for corrected acquisition of the shadow of an ophthalmic lens (103) possessing one or more marks. The present invention is illustrated, by way of example, in Figure 2 of the application, which is reproduced below.

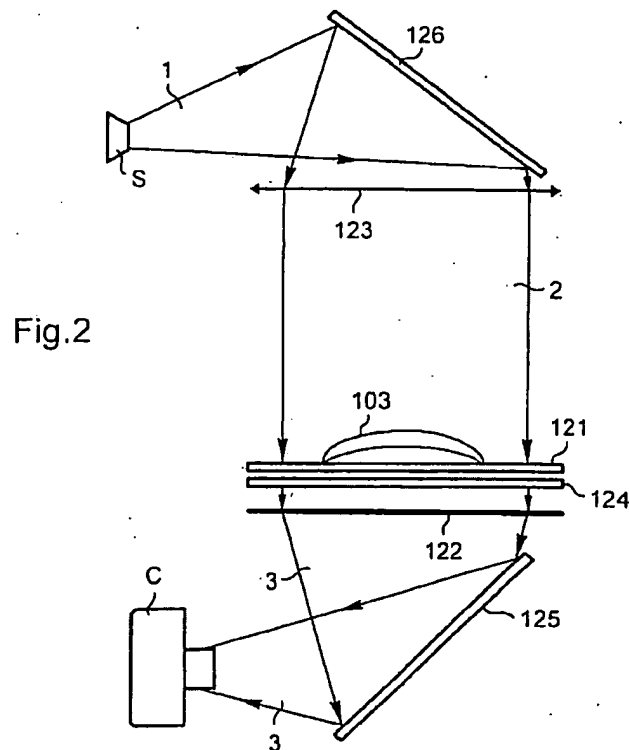


Figure 2 shows a receiver means (121, 114) for receiving said ophthalmic lens. On either side of the receiver means, a lighting means (S) for illuminating the ophthalmic lens

(103) is installed on the receiver means, and secondly an acquisition means (122, 125, C) for acquiring the shadow of the ophthalmic lens illuminated by the lighting means (S).

Independent claim 1 of the present invention recites:
"measurement means (S, 124, C) suitable for measuring the optical deflection power exerted by the ophthalmic lens installed on said receiver means on at least one light ray of said lighting means (S) and for delivering a signal representative of said deflection power."

YODA et al. pertains to a spectacle lens image sensing processing apparatus. The Official Action refers to Figures 1-3 of YODA et al. Figure 3 of YODA et al. is reproduced below.

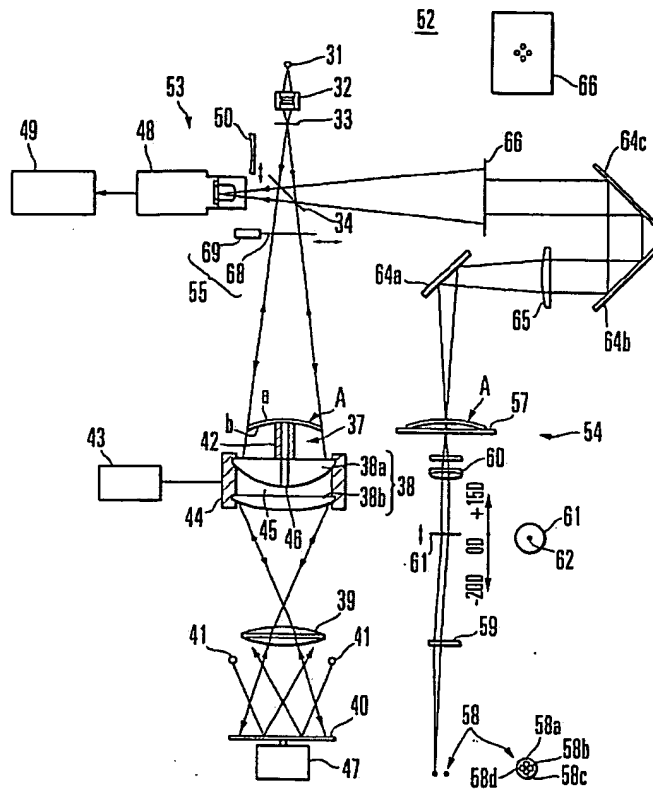


FIG. 3

YODA et al. show a device 52 for acquisition of the shadow of an ophthalmic lens A possessing a mark, the device including:

- lens holder 37 for receiving said ophthalmic lens;

- on either side of the lens holder 37, firstly lighting source 41 for illuminating the ophthalmic lens A installed on the lens holder 37, and secondly sensing unit 48 for acquiring the shadow of the

ophthalmic lens illuminated by the lighting source 41
(paragraph 0054).

However, YODA et al. fail to disclose measurement means suitable for measuring the optical deflection power exerted by the ophthalmic lens installed on the lens holder 37 on at least one light ray of the lighting source 41 and for delivering a signal representative of said deflection power, as claimed in instant claim 1 of the present invention.

Indeed, in the device 52 disclosed by YODA et al., the ophthalmic lens needs to be transferred to a lens mount base 57 and lighted with another lighting source 58 in order to perform the deviation power measurement (paragraph 0070) with the measurement device 54.

YODA et al. fail to disclose either an electronic and computer system including geometrical correction calculation instructions for deducing from said measured deflection power a corrected shape for at least a portion of the shadow of the ophthalmic lens as perceived by the acquisition means (image sensing unit) 48, as claimed in instant claim 1 of the present invention.

The processing unit 49 disclosed by YODA et al. is suitable for determining the geometrical features of the lens only from the detection of its marks (paragraph 0044, 0057 and 0059), and to calculate the deviation power of the lens only from the data provided by the measurement means 54 (paragraph 0059 and

0069), each of these calculations being performed in an independent manner (paragraph 0070).

These differences reflect the different purposes of the devices as taught by YODA et al. as compared to instant claim 1 of the present invention. The device as taught by YODA et al. groups two apparatuses, a mark detector and a deflection power measuring device that are simply "juxtaposed" (paragraph 0059) in order to simplify the work of the optician, reduce the time spent to handle the lens and reduce the overall cost of the device by using the same acquisition and processing means to implement both functions. The mark detector and power measuring device however do not interact, and the information obtained on the lens from each of them are not crossed by the processing unit 49.

In particular, the deflection power measured is not used to correct the shape of the shadow of the marks detected, as it is the case in the present invention.

YODA et al. therefore fail to anticipate the device set forth in claim 1 of the present invention. Claims depending upon claim 1 are not anticipated by YODA et al. for at least these reasons.

Similarly, YODA et al. disclose a method of acquisition of the shadow of an ophthalmic lens A presenting a mark that includes the following steps:

- illuminating the lens by a light beam; and

- measuring the optical deflection power exerted by the ophthalmic lens on at least one incident light ray of said beam.

However, for the same reason discussed above, YODA et al. do not disclose a step wherein, from the measured deflection power, a corrected shape for at least a portion of the shadow of said ophthalmic lens as illuminated by said light beam is deduced by calculation, as claimed in claim 30.

YODA et al. therefore fail to disclose the method as claimed in independent claim 30.

Regarding unpatentability, the Official Action acknowledges that YODA et al. fail to disclose that the measurement means used to measure the deflection power of the ophthalmic lens is of the type proceeding by deflectometry or interferometry. The Official Action admits that YODA et al. and DEVIE et al. fail to disclose that the beam separator supports at least one sign.

However, the teachings of DEVIE et al. and YANAGI et al. fail to address the deficiencies of YODA et al. in anticipating base claims 1 and 30 of the present invention.

That is, DEVIE et al. only disclose devices and methods for determining the geometrical features of both surfaces of an ophthalmic lens 10, based on a wavefront analysis of light rays, before and after their transmission by this lens. These devices and methods are based on interferometry and deflectometry.

DEVIE et al. therefore disclose reception means and lighting means of the ophthalmic lens, but do not disclose acquisition means to acquire the shadow of the lens, nor measurement means to measure its deflection power, nor an electronic and computer system including geometrical correction calculation instructions for deducing from the measured deflection power a corrected shape for at least a portion of the shadow of the ophthalmic lens as perceived by the acquisition means 48, as is claimed in claim 1 of the present invention.

The Applicant additionally respectfully submits that modifications of YODA et al.'s teachings to achieve the invention as claimed in claims 1 and 30 in view of DEVIE et al. would not have been obvious to one of ordinary skill.

This modification would indeed be considered by the man skilled in the art as a solution to the technical problem of improving the precision of the mark detection by correcting the shape of the detected shadow of the mark of the lens, based on the deflection power measured for this ophthalmic lens. This technical problem is not addressed by DEVIE et al., and therefore the man skilled in the art would not have been inclined to use this document in order to solve this technical problem.

Furthermore, in order to achieve the present invention, the man skilled in the art would have to drastically modify the device/method disclosed by YODA et al. by adding an electronic system, a computer system and a step allowing a crossing of the

results obtained by the mark detector and by the deflection power measurement device to deduce from the measured deflection power a corrected shape for at least a portion of the shadow of the ophthalmic lens as perceived by the acquisition means.

On the contrary, YODA et al. encourage the man skilled in the art to use the mark detector and the deflection power measuring device independently.

Indeed, the mark detector and deflection power measurement device as claimed in amended claim 1 do not perform the same function they had been known to perform (or at least do not perform their function in the same way they had been known to act), and this precisely yields the enhancement of precision in the mark detection sought.

As such, the combination of features of the cited references therefore does not result in the inventive solution of the present invention and thus fails to provide a basis for a lack of inventive step.

One of ordinary skill and creativity would thus fail to produce a claimed embodiment of the present invention from a knowledge of YODA et al. and the secondary references. A *prima facie* case of unpatentability has thus not been made.

Applicant respectfully submits that independent claims 1 and 30 are thus in condition for allowance, and that the basis for rejecting claims 2-29 and 31-42 under 35 U.S.C. 102 or 103 is

also traversed, as these claims are dependent on allowable base claims and recite additional limitations.

In light of the above remarks, reconsideration of the rejected claims is respectfully requested.

Conclusion

The Examiner is thanked for considering the Information Disclosure Statement filed October 26, 2006 and for making an initialed PTO-1449 Form of record in the application.

Prior art of record but not utilized is believed to be non-pertinent to the instant claims.

Based on the arguments presented above, it is respectfully asserted that the pending claims over the rejections of record and, therefore, allowance of these claims is solicited.

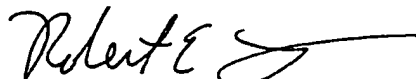
The Examiner is invited to contact the applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present application.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any

overpayment to Deposit Account No. 25-0120 for any additional
fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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